



NEWS RELEASE

Release Number: 46

Release Date: August 26, 2005

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

New Criminal Jury Instructions Adopted Today to Improve State Jury System

Plain English Instructions Soon Available to All Courts

San Francisco—In a statewide campaign to reform California's jury system, the Judicial Council of California today officially adopted new criminal jury instructions (CALCRIM).

The instructions emphasize plain, straightforward language, and provide an alternative to the often confusing legal terminology that traditionally has been used in California trial courts for the past 70 years. New civil instructions were approved in September 2003 and are now used in most civil trials in the state.

Eight years ago, California Chief Justice Ronald M. George appointed a 29-member Task Force on Jury Instructions to write new, plain English civil and criminal juror instructions. The Task Force—comprised of judges, lawyers and other experts—spent thousands of hours drafting the new instructions, which California courts may apply to criminal trials beginning January 2006. The current criminal jury instructions (CALJIC) were initially drafted in the 1930s.

“These plain English jury instructions are at the heart of the Judicial Council's historic efforts to reform the California jury system,” Chief Justice George said. “I applaud the dozens of professionals who have contributed to this endeavor to ensure that jurors understand the law and apply it correctly. This reform should facilitate the important task of jurors in applying the law as given to them by the trial court, and improve the process for the benefit of the parties, their lawyers, and trial judges.”

Rather than revise the current instructions, the task force's subcommittee for criminal jury instructions started anew. They used drafting principles including rules of composition developed by linguists who have analyzed the comprehensibility of jury instructions.

(over)

“We went to a blank page and crafted instructions from the beginning. In many ways it was like building a ship while sailing,” said task force chair Carol A. Corrigan, an associate justice of the Court of Appeal, First Appellate District, Division Three (San Francisco). “Law lives in its language and historically that language has made sense to lawyers, but not to anyone else. It is no longer acceptable to say, ‘Too bad the people don’t understand.’ It is critical that the instructions be clear so that Californians performing this important service reach informed conclusions, grounded in a true understanding of the law.”

A sample comparison of old and new instructions demonstrates the new approach:

Old “Innocent misrecollection is not uncommon.”

New “People sometimes honestly forget things or make mistakes about what they remember.”

“The old circumstantial evidence instructions required jurors to be experts in logic,” said Judge David A. Hoffer, a task force member from the Superior Court of Orange County. “These new instructions are truly ‘plain English’ and accessible to all who may serve.”

The new instructions will be available in print and electronic formats from LexisNexis/Matthew Bender, the official publisher of the Judicial Council’s jury instructions. The instructions will be available at no cost on the California Courts Web site. In addition, LexisNexis is developing an interactive software program that will allow judges and attorneys to customize the new instructions to fit the facts of each case.

In a related action, the Judicial Council today approved an amended court rule that reaffirms the council’s intent to make the instructions widely available to the public. The rule also gives the Administrative Office of the Courts the authority to require that commercial publishers obtain permission to publish Judicial Council jury instructions.

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.